

Application GRANTED.



The Clerk of Court is directed to terminate ECF No. 36.

SO ORDERED.

Jennifer H. Rearden, U.S.D.J.

June 3, 2025

Dated: June 4, 2025

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VIA ECF

Hon. Jennifer H. Rearden
United States District Court
Southern District of New York
500 Pearl Street, Room 1010
New York, NY 10007

Re: *Biden v. Fox News Network, LLC, et al.*, No. 1:24-cv-07814-JHR

Dear Judge Rearden:

On behalf of Defendants, we respectfully request the Court's leave to file a memorandum of law of up to 10,000 words in support of Defendants' joint motion to dismiss the Complaint, which is due this Friday, June 6. Plaintiff does not object to this request.

Rule 5.B. of the Court's Individual Rules and Practices provides that "[u]nless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 8,750 words." An extension is warranted here for two reasons.

First, this case involves four defendants, each of which is moving to dismiss all of Mr. Biden's claims against them. Most of the arguments overlap, but there are also individual bases for dismissal against three of the four defendants. Defendants believe there are efficiencies to be gained by filing a single brief for all Defendants, but the additional individual arguments warrant a modest extension of the word limit.

Second, Defendants' motion is based on several independent grounds for dismissal. These include (1) that the Copyright Act expressly and impliedly preempts Mr. Biden's claims; (2) that the First Amendment bars this suit in its entirety; (3) that the New York constitution similarly precludes recovery; and (4) that each of Mr. Biden's state-law claims suffers from a litany of other state-law defects. Mr. Biden's separate claims for unjust enrichment, intentional infliction of emotional distress, and violation of New York Civil Rights Law § 52-b all fail to state a claim on multiple, independent state-law grounds. A modest extension will allow Defendants to make all of these dispositive arguments and to ensure that the Court will have the benefit of appropriately detailed briefing.

Defendants recognize that Rule 5.B. states that requests to exceed the Court's word limit should be submitted "five business days" before the deadline. After preparing the

draft memorandum and diligently working to tighten the draft, Defendants have concluded that if they are to submit a single joint motion, then a modest extension of the word limit would be helpful. The Court previously granted Mr. Biden's request for an extension of the limit that was filed the day that his reply brief was due on the motion to remand. *See* ECF Nos. 29, 31. Defendants respectfully request similar leave here.

For these reasons, Defendants respectfully request that they be permitted to file a memorandum of law in support of a joint motion to dismiss the Complaint, not to exceed 10,000 words. Defendants, of course, have no objection to Mr. Biden similarly receiving 10,000 words for any brief in opposition.

Respectfully Submitted,



Steven A. Engel

cc: All counsel via ECF